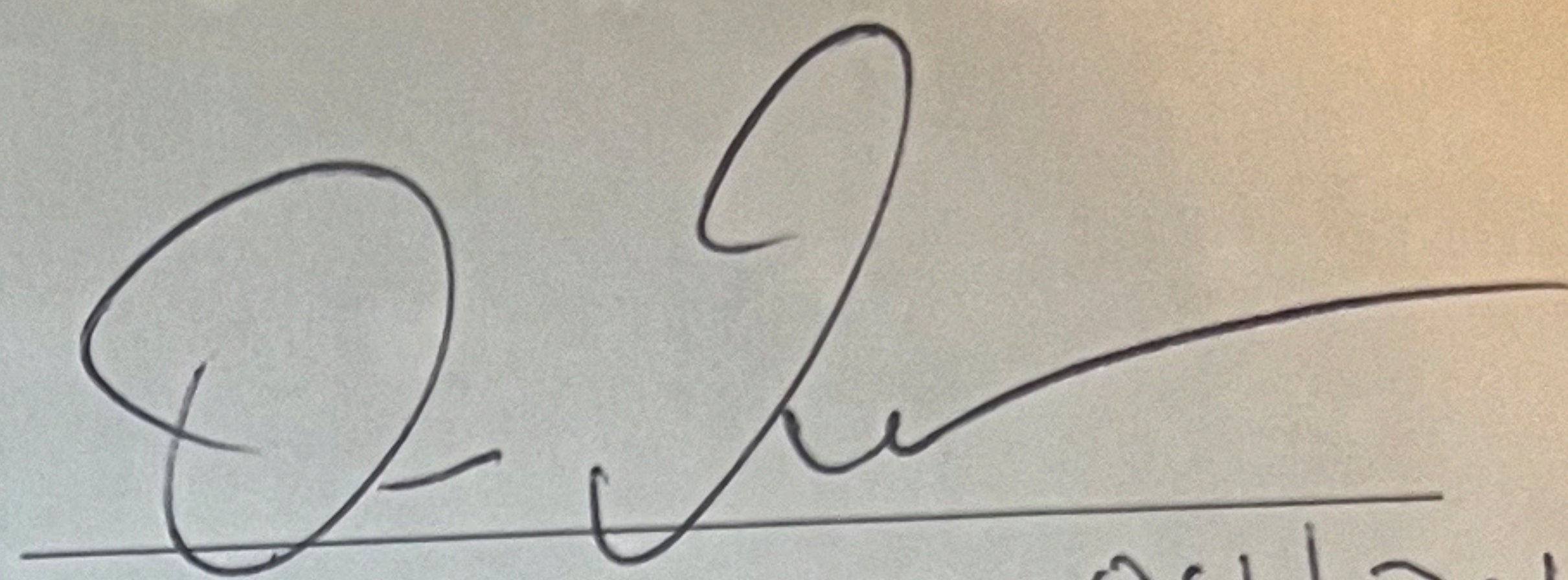


Affidavit

Non-profit, educational or personal use tips the balance in favor of fair use. all photos were used for news reporting, teaching, scholarship, education and research.

7. Hip Hop altered pictures to create a new work which makes it "transformative" in nature.

8. Laches, August image Failed To File a DCMA Takedown Notice in order to gain as much revenue as possible with a lawsuit.

  
(Signature)

04/24/2004

Derek Nicholson



UNITED STATES DISTRICT COURT  
NEW JERSEY

AUGUST image LLC

Plaintiff

-VS-

HIP HOP UNCENSORED INC

Defendant

1:23-cv-21861

(Case I.D. Number)

AFFIDAVIT

I, Derek Nicholson, of Egg harbor Township, in Atlantic County, New Jersey, MAKE OATH AND SAY THAT:

1. Hip Hop altered pictures from google's Free search engine. Hip Hop had know way of verifying that August Image LLC Is the alleged copyright owner. Hip Hop Did not try to conceal alleged copyright owners works.Hip Hop Had No Way Of Knowing The work was (copyrighted)
2. Hip Hop Did not cause any irreparable damage to plaintiffs Image.
3. Hip Hop Did Not profit from the alleged Copyright infringement
4. Hip Hop Did Not Cause irreparable damage to plaintiff.
5. Hip Hip Did Not Cause Any damage
6. All Photos were Used under Fair Use section 107 of the Copyright Act 1976, allowance is made for "fair use" for purposes such as criticism, comment, news reporting, teaching, scholarship, education and research.

Fair use is a use permitted by copyright statute that might otherwise be infringing.